

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Into  
Implementation of Public Utilities Code § 390.

Rulemaking 99-11-022  
(Filed November 18, 1999)

**ADMINISTRATIVE LAW JUDGE'S RULING  
PROVIDING OPPORTUNITY FOR COMMENTS**

This ruling provides parties an opportunity for comments, and reply comments regarding Pacific Gas and Electric Company's (PG&E) Petition for Modification of Decision (D.) 01-03-067 (Petition).

**Background**

On December 15, 2004, PG&E filed a Petition<sup>1</sup> to modify D.01-03-067 to the extent that D.02-03-067 directed PG&E to pay Qualifying Facilities (QF)<sup>2</sup> for energy deliveries within 15 days from the end of the billing period and gave QFs the option to establish a 15-day billing period.

On January 14, 2005, Juniper Generation, LLC (Juniper) and PE Berkeley, Inc. (Berkeley) responded to PG&E's Petition, recommending that for various reasons PG&E's Petition be denied.

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<sup>1</sup> Attached to the Petition is the Declaration of Marc Renson, manager of Counterparty Contract Settlements, providing certain factual information.

<sup>2</sup> PG&E's Petition applies to QFs that have power purchase agreements with PG&E.

On January 18, 2005, Southern California Edison Company (Edison) supported PG&E's Petition, although Edison states that for QFs under contract with Edison the billing payment requirement has been resolved.

On January 31, 2005, PG&E replied to Juniper and Berkeley contending that the arguments against PG&E's Petition are unfounded and should be disregarded by the Commission. PG&E argues that its Petition should be granted expeditiously.

### **Discussion**

Although the responses and reply provide arguments for and against PG&E's Petition, in order to clarify the record, parties should have an opportunity for comments and reply comments, and if necessary, to request hearings. Therefore, parties are given the opportunity to comment on PG&E's Petition. All comments shall be submitted by March 15, 2005. Parties' reply comments shall be submitted by March 25, 2005. Parties requesting hearings shall identify those factual matters requiring hearings in their comments.

Therefore, **IT IS RULED** that:

1. Parties may submit comments, or reply comments, on PG&E's Petition as described above.
2. All comments shall be submitted by March 15, 2005.
3. All reply comments shall be submitted by March 25, 2005.

Dated March 1, 2005, at San Francisco, California.

/s/ Bruce DeBerry  
Bruce DeBerry  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Providing Opportunity for Comments on all parties of record in this proceeding or their attorneys of record.

Dated March 1, 2005, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.